

Meeting of 2002-7-23 Regular Meeting MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
JULY 23, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Col. George Steuber, Fort Sill Liaison

The meeting was called to order at 6:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION:

Raymond McAlister encouraged attendance at the upcoming Lawton Rangers Rodeo in August.

CONSENT AGENDA :

Separate consideration was requested for Items 2, 14, 20 and 23.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 2, 14, 20 and 23. AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Alan and Angelika Smith; Tommy and Dianne Mansell; Vickie Woodburn and Lawton Cablevision. Exhibits: Legal Opinions/Recommendations. (Three resolutions on file) Mansell - \$339.37.

(Title) Resolution No. 02-111

A resolution authorizing and directing the City Attorney to assist Alan E. & Angelika Smith in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Twenty Thousand Dollars and 00/100 (\$20,000.00).

(Title) Resolution No. 02-112

A resolution authorizing and directing the City Attorney to assist Vicky Woodburn in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Four Hundred Thirty Seven Dollars and 20/100 (\$437.20).

(Title) Resolution No. 02-113

A resolution authorizing and directing the City Attorney to assist Lawton Cablevision, Inc. in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Seventy-One Dollars and 40/100 (\$471.40).

2. Consider the following damage claims recommended for denial: Mary Duncan; Claims Management, Inc., and Gaila Ferrell. Exhibits: Legal Opinions/Recommendations.

Shanklin asked that the Ferrell claim be pulled to allow her time to turn in her costs.

MOVED by Shanklin, SECOND by Haywood, to deny the claims of Duncan and Claims Management, Inc. and pull the Ferrell claim. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

3. Consider approving the purchase of the property located at 1102 NW 51st Street, Lawton, Oklahoma, and authorize the Mayor and City Clerk to execute the Contract for Sale of Real Property. Exhibits: None. Action: Approve purchase in the amount of \$110,000 from Howard L. and Delores G. Payne.

4. Consider authorizing the Mayor to request an extension of the deadline set by the Waurika Project Master Conservancy District to inform the District of the intentions of the City of Lawton and Lawton Water Authority concerning renewal of the twenty-five year contract between the parties, or alternative arrangements that will be made to satisfy the debt due and owing at the expiration of the twenty-five year term; and also to request that the parties enter into negotiations concerning the possible amendment of the contract if the City and Authority desire to exercise their option to renew the contract. Exhibits: Letter of 6/4/02 from the Waurika Project Master Conservancy District; Proposed Letter to the District; Project Contract on file in City Clerk's Office. Action: Approval.

5. Consider authorizing the Mayor to submit a letter to the City's Legislative Delegation requesting assistance in removing U.S. Army Corps of Engineers financial charges from the Waurika Lake Master Conservancy District's debt. Exhibits: 7/10/02 Letter from Waurika Lake Master Conservancy District; Proposed letter from Mayor to Legislative Delegation. Action: Approval.

6. Consider approving Amendment Number 3 to the Water Purchase Contract and Permit between the City of Lawton, the Lawton Water Authority, and the Comanche County Rural Water District Number One (1). Exhibits: None. Action: Approval.

7. Consider authorizing the City to accept a permanent utility easement in the Southwest Quarter of Section Six, Township One North, Range Eleven West, situated in Comanche County, State of Oklahoma, that has been donated by Alfred J. Ashton, Jr. and Margarette C. Ashton, and authorize the Mayor and City Clerk to execute the acceptance. Exhibits: None. Action: Approval.

8. Consider accepting a permanent easement in the Northeast Quarter of Section 9, Township 1 North, Range 11 West, situated in Comanche County, State of Oklahoma, which has been donated by the Board of Education of Dependent School District No. D-48, and authorize the Mayor and City Clerk to execute the acceptance. Exhibits: None. Action: Approval.

9. Consider approving an Agreement for the sale of treated water between the City of Lawton, Oklahoma and the Board of Education of Dependent School District No. D-48 and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Action: Approval.

10. Consider adopting a resolution ratifying the action of the City Attorney and City Manager in filing and making payment of the judgment in the Workers' Compensation case of Rudolph A. Lopez in the Workers' Compensation Court, Case No. 2000-11438-Y. Exhibits: Res. 02-114.

(Title) Resolution No. 02-114

A resolution ratifying the actions of the City Attorney and City Manager in making payment of the judgment in the Workers' Compensation case of Rudolph A. Lopez for the amount of Fifteen Thousand Forty-Nine Dollars and 50/100th (\$15,049.50), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

11. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the agreements: Town of Apache, City of Cache, City of Grandfield, and Town of Geronimo. Exhibits: None. Action: Approval.

12. Consider approving the plans for a sanitary sewerline relocation in connection with development of Home Depot at approximately 1202 NW 40th Street. Exhibits: Location Map. Action: Approve plans subject to permitting by the Oklahoma Department of Environmental Quality.

13. Consider accepting the waterline extension located south of Heather Lane in Sungate Addition, Part 9, and a maintenance bond. Exhibits: Site Map. Action: Accept the six-inch water line located south of Heather Lane in Sungate Addition, Part 9, and the maintenance bond.

14. Consider adopting a resolution establishing the pay range for the newly created Chief Inspector position and changing the pay range for the Code Plans Supervisor. Exhibits: Res. No. 02-115.

Shanklin asked that the item be explained. Baker said there was a reorganization creating the Community Services Department, which included eliminating the Building Development Director's position. There will be two divisions, and this pay plan change provides for supervision of those divisions and compensates the employees for the additional responsibilities; one will change in grade from 6 to 7. Shanklin asked if that was the chief inspector and Baker said no, that would be Mike Jones who would supervise the license and permits section. The other is taking an existing inspector and designating them as a supervisor for that division. Two individuals were interested and they are working lead man to try out the position and see how they will perform and one will be promoted in four months.

MOVED by Shanklin, SECOND by Bass, to approve Item 14.

Baxter said the background shows a position going from 7 to 10. Baker said the chief inspector will go from 7 to 10 and the code supervisor, Mike Jones, will go from 6 to 7.

VOTE ON MOTION: AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-115

A resolution approving modifications and revisions to the City's existing classification and pay plan, modifying the personnel schedule of the FY 02-03 budget, and declaring an effective date.

15. Consider approving Amendment No. 1 to the Raw Water Purchase Agreement with Charley E. Snyder and Doris Berry-Snyder, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: None. Action: Approval.

16. Consider awarding a construction contract to H.G. Jenkins Construction, Inc. for the McMahon Park/Grandview Sports Complex Parking Improvement Project #2002-9. Exhibits: None. Action: Award in the amount of \$62,934.00 as shown in the title.

17. Consider approving plans and specifications for the Ahlschlager Park Restroom Project #2002-11 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval.

18. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: None. Action: Approval.

19. Consider approval of a Grant Agreement with the Environmental Protection Agency for a \$115,000 grant for a Vulnerability Assessment of Lawton's water system and authorize the Mayor to execute the agreement. Exhibits: Letter from EPA; Agreement. Action: Approval.

20. Consider approving a resolution: 1) Accepting a gift of ten Scott Model No. 2216 Air Packs from the Wackenhut Corrections Corporation/Lawton Correctional Facility; 2) Expressing the City of Lawton's appreciation for the donation; and 3) Approving a general release and hold harmless agreement concerning the air packs. Exhibits: Resolution No. 02-116; General Release and Hold Harmless Agreement.

Devine said this is a really nice gesture on Wackenhut's part and he appreciated the contribution.

MOVED by Devine, SECOND by Baxter, to accept this and adopt the resolution.

Shanklin asked what an air pack was. Harold Thorne, Acting Police Chief, said it is a self-containing breathing apparatus like the firefighters use, and it would benefit the Police Department when they are investigating drug labs and there are harmful vapors. Baker noted the equipment costs \$1,200 per set and they are donating ten sets, so it is very generous.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-116

A resolution: (1) Accepting a donation of ten Scott Model No. 2216 Air Packs from the Wackenhut Corrections Corporation/Lawton Correctional Facility; (2) Expressing the City of Lawton's appreciation for the donation; and (3) Approving a general release and hold harmless agreement concerning the air packs.

21. Consider approving recommendation for Skatepark facility rules at McMahon Park. Exhibits: None. Action: Approval.

22. Consider approving grants for the Co-Sponsorship Program. Exhibits: None. Action: Approval.

23. Consider entering into a contract with: Mr. & Mrs. Ronald Schnee, Mr. Kevin Henson, Mr. Thomas L. Stiger, Ms. Kathy Sloan, and Mr. & Mrs. John J. Ryan for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None.

Bass asked why these are recommended for approval and others later in the agenda are not. Bart Hadley, Fire Chief, said Council previously discussed properties meeting qualifications of having an adequate water supply and road access to be able to obtain a contract. He said these meet qualifications and are recommended for approval, but those on the regular agenda do not have an adequate water supply, so they are recommended for denial.

MOVED by Bass, SECOND by Baxter, to approve the contracts in Item 23. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

24. Consider approving the following contract extensions: A) Tire Recapping with Tire Distribution Systems. Exhibits: None. Action: Approval.

25. Consider awarding contract for Electrical Upgrade Library Park Plaza. Exhibits: Recommendation; Abstract. Action: Award to Johnson Electric Service, Inc., Lawton, OK, in the amount of \$20,927.

26. Consider awarding contract for Haz-Mat Trailer. Exhibits: Recommendation; Abstract. Action: Award to Crash Rescue Equipment Service, Inc., Dallas, TX, in the amount of \$39,449.50.

27. Consider awarding contract for Fire Hydrants. Exhibits: Recommendation; Abstract. Action: Award to Oklahoma Contractor's Supply, Oklahoma City, OK.

28. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Parks & Recreation Commission: Eva McNally, Ward 8 Rep., Term: 7/23/02 to 1/1/04.

29. Consider approval of payroll for the period of July 8 through 21, 2002.

30. Consider approval of Minutes of Lawton City Council Meeting of July 9, 2002.

BUSINESS ITEMS:

31. Hold a public hearing and consider an ordinance annexing approximately 215.6 acres of land into the corporate city limits located in Section 19, T2N, R12W of I.M. and Section 24, T2N, R13W of I.M., Comanche County, Oklahoma, approve the municipal service plan extending services, and declaring an emergency. Exhibits: Letter of Request; Map indicating proposed annexation; Ordinance No. 02-24; Service Plan.

Bob Bigham, Planning, presented a slide showing all land being considered for annexation in Items 31-34. The first ordinance annexes approximately 200 acres of City-owned land south of the Landfill. He pointed to Tinney Road and S 11th Street on the slide, and said it also includes the 66-foot statutory easement on Tinney Road, two miles of Sheridan Road including the 66-foot statutory easement, four miles of Woodland Road and 2-1/2 miles of SW 82nd Street in Item 31. Item 32 is the in-fill ordinance annexing four square miles that will be surrounded by the City limits if Item 31 is approved.

Bigham said Item 33 is a request by the J.T. Neal Grandchildren's Trust, signed by Larry Neal and Mike Mayhall, and it includes a strip along the South right-of-way line of U.S. 62, up 112th Street, then back to the east two miles along Rogers Lane back to the City limits. The current city limits run along Old Cache Road and 82nd Street. Bigham said Item 34 is an in-fill ordinance that would include the area that would then be surrounded by the City limits on four sides; it does not include Wichita Ridge Part 1 or any of the parts of Pecan Valley.

Advantages to the City to the annexation shown in Item 31 were: 1) The DEQ recommended the Landfill expansion be inside the City limits, and doing this may make it easier to obtain the DEQ permit than if it were in another local jurisdiction. 2) Annexation provides protection to the water services. The four square miles in southwest Lawton are not in any water district area; it is within Lawton's development ridge line and could preclude them from annexing that area and having a rural water district provide service. 3) It would provide protection from annexation by other cities and town, which has been discussed in the past as far as Hulen wanting to annex a tremendous amount of area and Geronimo wanting to annex north of the base line. 4) Proper development standards will be in effect, such as zoning, subdivision regulations, and building permits. 5) Protection of the City's interest in future commercial development. 6) An increased tax base would mean a decreased tax burden on the current citizens of Lawton.

Advantages to property owners to be inside the City limits shown in Item 31 were: 1) City water and sewer services

would be provided without separate agreements; water rates would be at inside-City rates without additional additions to private or association providers; 2) Police protection and services; 3) Fire protection and services; 4) Solid waste collection services; 5) Developmental regulation protection; 6) Building code compliance and services; 7) Reduction of ISO fire rating from a Class 10 to Class 3. This could be a major item because it is a standard used by insurance companies to rate cities on their fire protection ability, which is a factor in determining rates for homeowners insurance, so a county resident may be a Class 10 and pay higher insurance rates if they have no fire protection services, but if they were inside the city limits at a Class 3, the insurance rates would be substantially lower. 8) Ability to receive services not provided by county or other private entities; 9) Reduced cost of services; 10) Ability to use City's Landfill; 11) Possible reduction of home insurance rates; and 12) Maintenance of publicly owned roads.

Bigham said Title 11 of Oklahoma Statutes requires a public hearing process when property is annexed without the consent of the property owner; written notice has been provided to all property owners within the proposed annexation area, and that has never been done before. State Statute also requires that a service plan be provided, and this will be attached to each ordinance. It is a detailed list of all of the services and an implementation time period of when the city will provide these services. These are the first annexation ordinances that have ever incorporated the service plans.

Bigham said Item 31 is the annexation of property owned by the J.T. Neal Grandchildren's Trust and it includes a strip back to the City limits. There are ten property owners within the area and proper notice was published in the Lawton Constitution. He has had several visits from people and no one was upset about the proposal. Bigham said if anyone wants to speak during the public hearing, the statute states that the City Council and property owners may negotiate the terms of the service agreements, which have been on file in the City Clerk's office since the publication notice was given.

PUBLIC HEARING OPENED ON ITEM 31. No one appeared to speak and the public hearing was closed.

MOVED by Moeller, SECOND by Bass, to adopt Ordinance No. 02-24 and declare an emergency.

Shanklin said he did not know what the annexation would cost the taxpayers of Lawton; did not know where the ridge line was; did not know what the pumping would cost if one had to be put in; did not know what the mowing would be; did not know what the bridges look like; did not know what kind of roads were being annexed and whose responsibility they were; and asked what is the revenue potential from furnishing services in this area. He said Lawton will have to furnish police, fire and trash services but 10-12 more officers are needed now just for Lawton, and this is expanding 4,000 acres and 29 miles. Shanklin requested a comprehensive study from the east and west side so that the west side does not get away from us and ruin the downtown area. He said something needed to start to the east and to ignore that was not doing your duty to the future of Lawton. Shanklin asked if it would take in the Cache School District and said he was not worried about Cache wanting to annex because they don't have the money or the water. He said he felt strongly that the Mayor should appoint a committee of the Council to give a comprehensive study of the entire surrounding area of the city limits of Lawton.

SUBSTITUTE MOTION by Shanklin, SECOND by Haywood, for the Mayor to appoint a committee of the Council to do a comprehensive study of all the areas around the City of Lawton.

Baxter said he could understand Shanklin wanting to develop the middle and east parts of town, and he saw some gentlemen in the audience who would want annexation on the east side, but that is not the item before the Council tonight. He said we need to do everything in our power to make this city grow and prosper, and the only way to do that in this case is to annex this property. Baxter said we already have too many committees going on in this city and he would not support the committee idea.

Shanklin said we do want to protect downtown but if we continue to move west, we will not have a downtown and there will be a very strong deterioration, and Central Junior High was an effort to try to bring people back into this area. He said he had been told it would cost \$225,000 the first year if this is annexed and asked if that was correct. Mayor Powell said a print out was distributed today. Shanklin said Council is asked to act on it tonight and got the information this afternoon, and the Fire Chief wants a new station. Shanklin said his only concern was to study it and bring it all together at one time.

Ewing-Holmstrom asked why this was written as an emergency ordinance. Bigham said it is a standard operating procedure on annexation ordinances to include an emergency clause; if Council elects not to do that, it would not cause any problems; we just need to be consistent with the pairs of ordinances; if you put it on one, you need to put it on the other one and vice versa.

Baker said in response to the \$225,000, there was a report from Public Works saying if all these areas are annexed that it would cost us \$229,000 the first year and that was assuming we upgraded all the roads during that first year, which will not necessarily happen and it is a worst case scenario. He said this will create more work for us and it will cost more, but that \$229,000 could be a little misleading because that is the cost if we went in and

actually upgraded all the roads during the first year.

Moeller asked if there were negotiations or discussions going on about annexing on the east side. Bigham said he had discussions with the City Manager where he was going to set up some meetings to discuss that, but he would not say we are in the negotiation stage at this time. Bigham said there was some discussion on the Council floor about it but there is nothing active at this time. Moeller said this would be the first step. Bigham said there were discussions when Council set these public hearings for tonight about doing east Lawton annexations also but Council directed staff to advertise these tracts only and he believed the others would be considered later.

Shanklin asked if all of the water and sewer lines and mains would be put in at the developer's expense and to what point; when will it cost the Lawton taxpayers \$3 million to put in a sewer line or water trunk line. Bigham said a developer in the annexed area would use the same procedures described in the subdivision regulations, so if someone wanted to convert a quarter section of agricultural land to residential, they would have to run the facilities to that development area the same as any other developer inside the current city limits. Bigham said on the second part of the question, looking at the capital improvement program, as the Council sets priorities with the amount of money that will be generated from the sales tax, it will be the Council's decision to set the priorities to include any major trunk lines in these areas; right now in the southwest four square miles contains Sewer Line C & D that was installed 10-12 years ago to provide that major sewer transmission line from west Lawton to the treatment plant, so these things would be handled under the capital improvement programming with the scrutiny of Council setting that priority.

Shanklin said we have grown 3,000 people in the county over the last ten years, and he did not know why this 4,000 acres should be annexed; we are not growing, so why are we going to incur that expense that you don't know about yet.

Bass asked that Bigham point out the ridge line to Shanklin. Bigham did so, pointing out the city limits line, Goodyear and the development ridge line where everything within the area would gravity flow back into the treatment plant and this is the area we want to develop first and the majority of this is within that development ridge line and with the S-curve being developed by the Department of Transportation, this will have some influence on development in that area and it would be much better having it inside the corporate limits to receive our services than being outside.

Ewing-Holmstrom asked if anyone or any group or developer has expressed interest in developing this area. Bigham said yes. Ewing-Holmstrom asked if Bigham cared to share that information. Bigham said he did not think it would be appropriate for him to do so at this time.

Mayor Powell asked if Shanklin's motion was to table all of the annexation items tonight. Shanklin said all of it. Mayor Powell said we will vote on this one item because that is the one we are dealing with right now, but it would let you know what may happen on the rest of them.

Moeller asked if anyone who owns property in this area who has cattle or horses will be grandfathered in at the current use until it changes title. Bigham said the annexation ordinance has a provision that permanent zoning will be established within a one-year period, and it is likely that the majority of the land will have agricultural zoning and they could continue those activities, but if something is in conflict with whatever permanent zone is established, it would be a non-conforming use protected by the grandfather clause.

Mayor Powell said a regulation is in place to allow a certain number of livestock per acre and that number is more than the land in this area would support in grazing. He said Shanklin's motion was for him to appoint a committee to study this. Shanklin said a committee of the Council to study it and bring it back.

Hanna asked if Council would talk about the east side at a later date and annex area there, and has that been killed or is it still alive. Bigham said there was discussion on that and an item can be returned for Council to provide direction. Hanna asked if Bass had brought that up previously and Devine said he did. Hanna asked if Devine was still interested. Devine said as soon as he got one foot forward he took two back and he could not seem to get the needed support to work on it. Mayor Powell said Devine had not been to him and to not throw him in the middle of it to ask for support.

Haywood asked what was meant by an increased tax base. Bigham said this land is currently in the Comanche County tax base, and after it is annexed, it would become a part of our total assessed valuation so as we put taxes or judgments on ad valorem, it spreads the burden because there are more people to share it. Shanklin said not if they are in a different school district. Bigham said the school district boundaries are set and those levies will not be changed by whether they are inside or outside the city limits but there are other ad valorem capabilities there besides the school districts.

Bigham asked if Council wanted to consider continuing the public hearings to a date certain so no further advertisement or notice would be needed. Vincent said the public hearing was held and if the action is delayed

until a study committee can report, he did not think another public hearing would be required; however, if you are considering this item to be dead and it would be brought back in the future, you would need one. Mayor Powell said that was not the motion. Shanklin said he was not trying to kill it. Mayor Powell asked for roll call.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Haywood, Hanna. NAY: Devine, Ewing-Holmstrom, Moeller, Baxter, Bass. SUBSTITUTE MOTION FAILED.

Mayor Powell asked for reading of the title and roll call on the motion to adopt the ordinance.

(Title read aloud) Ordinance No. 02-24

An ordinance providing for the attachment of certain parcels of land into the City of Lawton, Comanche County, Oklahoma, classifying said territory as "Temporary" A-1 (General Agricultural District) zoning classification for a period not exceeding one (1) years, and declaring an emergency.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Moeller, *Haywood, Baxter, Bass, Hanna, Devine. NAY: Shanklin. MOTION CARRIED. (*Note: Haywood passed on original roll call.)

32. Hold a public hearing and consider an ordinance annexing approximately 881.2 acres of land into the corporate city limits of Lawton, Oklahoma located in Section 19, T2N, R12W and Section 24, T2N, R13W, I.M., Comanche County, Oklahoma, approve the service plan extending municipal services, and declaring an emergency. Exhibits: Ordinance No. 02-25; Map indicating proposed annexation; Service Plan.

Bigham said this is a companion ordinance to Item 31 for the in-fill containing 881.2 acres. Eleven property owners were notified and notice was published in the newspaper. The service plan is attached to the item and anyone wishing to speak at the public hearing may negotiate the terms of the service plan.

PUBLIC HEARING OPENED.

Mayor Powell asked if there questions about the location of the described land. Bigham pointed out the area on the slide stating the 881 acres is in the shaded area, and he pointed to NW 82nd Street, Old Cache Road, Quanah Parker Trailway, 112th Street and the north boundary is Rogers Lane. Mayor Powell said the east boundary is 82nd Street.

No one appeared to speak and the public hearing was closed.

MOVED by Bass, SECOND by Baxter, to adopt Ordinance No. 02-25 and declare an emergency.

(Title read aloud) Ordinance No. 02-25

An ordinance providing for the attachment of certain parcels of land into the City of Lawton, Comanche County, Oklahoma, classifying said territory as "Temporary" A-1 (General Agricultural District) zoning classification for a period not exceeding one (1) years, and declaring an emergency.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: Shanklin. MOTION CARRIED.

33. Hold a public hearing and consider an ordinance annexing property into the corporate city limits of Lawton within Section 31, T1N, R11W of I.M. and in Sections 5, 6, 7, 8, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 35 and 36, T1N, R12W of I.M., Comanche County, Oklahoma, containing approximately 291.2 acres. Approve the municipal service plan extending services, and declaring an emergency. Exhibits: Map indicating annexation proposal; Ordinance No. 02-26; Service Plan.

Bigham said this is the first of a pair of ordinances annexing property in south and southwest Lawton; the majority of acres in this item are owned by the City of Lawton. This annexation process was delayed by the water line being installed by Geronimo which is not completely constructed, but it is to this point. He pointed to S Tinney Road, the current landfill on 11th and Tinney, and the 200 acres of City-owned property being annexed in this proposal. Also included is Tinney Road to Sheridan Road, two miles north of Sheridan Road and four miles west on Woodland Drive, and 2-1/2 miles of 82nd Street. It will cause four square miles to be surrounded on four sides by the City limits. There is approximately 15-1/2 miles of section line road included in this ordinance. The service plan is attached and will be made part of the annexation ordinance if desired by the Council.

PUBLIC HEARING OPENED.

Larry Benke said he lives on the west side of the City of Lawton Landfill. His concern was annexing the land on the south and asked if the present Landfill is in the City limits. Bigham said yes. Benke asked why only 200 acres was being annexed when the City owns about 430 acres. Bigham said the City acquired a little over 400 acres and we squared it up to this configuration and reserved some land for a future annexation base, meaning we could do more

strip annexing to the east if needed.

Benke said if this property is annexed, is it not true that the complete boundaries of Geronimo will fall under the control of the Lawton Metropolitan Area Planning Commission. Bigham said that is incorrect, under Title 19 of the statutes, the LMAPC does not have jurisdiction of land inside incorporated towns.

Benke said he would like to voice his opposition to this annexation, and one of the reasons he believed the City needed to annex this was to close the county road on the south side of the Landfill. He said he uses that county road five to 20 times a day. Benke said they also own a water line that goes down the easement of this county road; the County Commissioners had approached him because the County was requested to close the county road and the County Commissioner would not give them permission so he supposed this was Bigham's method of getting the authority to close the county road and he would oppose closing the county road. Benke said it is taking in a lot of other property they own and he did not want to live in the city limits, but that was irrelevant to what caused the major problem of closing the county road on the south side of the Landfill, and then to combine the two landfills together would cause his water line to be removed. Benke said you cannot close the county road and take out his water line and him like it. Benke said he just wanted to come on record as being totally opposed to the annexation.

PUBLIC HEARING CLOSED.

Devine asked if Benke could tie into the water line being put in to Geronimo. Benke said maybe they could get on that line but needed the line to their well to get water for cattle and spray trucks, and the City water is too expensive for such uses, but he would like City water for his house.

Shanklin said Item 38 requires approval for a water line to a golf course and asked if that golf course was in this area, and if that developer understood that he would be required to run a 12" line if this is annexed. Felton Dean indicated from the audience that he understood.

Moeller asked if Benke's water line was served by a well with the line going down the county road. Benke said yes, it runs for 1-1/2 miles in county right of way. Haywood asked if it would be appropriate to compensate Benke for any of this because his water line would be removed and they could not receive well water. Bigham said he was not familiar with that situation. Benke said the water line is in the bar ditch on the south side of the landfill, there are two houses on the west side of the highway and his son is on the east side of the landfill. Haywood said Benke is on 11th Street. Location of Benke's well and water line was discussed. Bigham said the annexation will not have any impact on this and Benke can continue using the well and the water lines in the road, but there was mention of closing Tinney Road with the expansion of the Landfill, and if that be the case as part of the Burns & McDonnell study that was adopted, a public hearing will be required for closure of that road and that would be the appropriate time to address that issue. Bigham said the Geronimo water line is on 11th Street, not on Sheridan Road, and it is in the ground and constructed to a certain point and this square mile is not being proposed to be annexed so as an alternative to provide domestic water to their houses, they could request an agreement to tie to that line because it will be a City line to a certain point. Mayor Powell said he hoped there could be some compensation for Benke and perhaps an easement to let him have the line instead of not being able to have the water they have used for many years.

MOVED by Devine, SECOND by Bass, to adopt Ordinance No. 02-26 and declare an emergency.

Devine said Mr. Dean will be putting 40 houses in the area he plans to develop, and we are not doing this for nothing. He said Dean will furnish 2-1/2 miles of water line to his development. Mayor Powell said Item 38 will be a moot point if these annexations are passed.

(Title read aloud) Ordinance No. 02-26

An ordinance providing for the attachment of certain parcels of land into the City of Lawton, Comanche County, Oklahoma, classifying said territory as "Temporary" A-1 (General Agricultural District) zoning classification for a period not exceeding one (1) year, and declaring an emergency.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

34. Hold a public hearing and consider an ordinance annexing approximately 2553 acres of land into the corporate city limits of Lawton, Oklahoma located in Sections 8, 9, 10, 11, 14, 15, 16 and 17, T1N, R12W of I.M., Comanche County, Oklahoma, approve the municipal service plan extending services, and declaring an emergency. Exhibits: Map indicating proposed annexation; Ordinance No. 02-27; Service Plan.

Bigham said this is the final of the four annexation ordinances. There were 35 property owners within the four square miles and proper notice was published. The area bounded by this is Coombs Road on the north, the current City limits is just right outside of the statutory right of way so it would be including all of these four miles of section line road, and a mile of Sheridan Road. It will be from Sheridan Road four miles west to 82nd Street, then Coombs

Road down to Woodland Drive.

Shanklin asked who would be grandfathered in and how. Bigham said the uses there currently that do not abide by the current city code will be grandfathered in and frozen at that activity level until they meet the city code regulations. Bigham asked if there was an example. Shanklin said debris and tall weeds. Bigham said he did not know that nuisances would fall under being grandfathered in. Mayor Powell said he hoped we would not tell people to mow their pasture land.

Moeller asked where the speed way is located. Bigham said it is inside the current city limits.

PUBLIC HEARING OPENED.

Clyde Hill, 8902 SW Lee Boulevard, said there had been five generations of cattle farmers in his family on this land. He asked what will happen if he wanted to build a cattle shed. Bigham said any future buildings to be built within the annexed area would fall within Chapter 6 of the city code and you would be required to come in and get a building permit. Hill asked if there were building codes for cattle sheds and corrals. Devine said it is real simple if you declare it as a storage shed or pole barn. Bigham said a pole barn is permitted in the code.

Hill said that is a lot of area and he did not know how many road graders the city has, but they will need another one. He said the nearest water line he knew of that could have a fire hydrant was three miles north on Lee. Hill said he knew Dean wanted to build a housing area but he understood it was farm land when he bought it and he is way out in the country. He said he did not know that he or his son would live long enough to see homes out there but he thought the city was gathering a lot of responsibility to maintain roads and highways, as well as animal control and cattle on the highway. Hill said the police department is not familiar with county roads and they ran off a dead end road about six months ago chasing someone when they did not know where they were going. He said he was in opposition to the annexation.

Nick Richards, 39 SE 6th Street, said he did not have a problem with the first three annexations but this one did not make sense to him. He said it is too far to a major road, too far to development time, it will not clean up the entrance to our city, it will not help stabilize downtown Lawton, and he did not understand. Richards said he thought this matter should be tabled and do what Shanklin recommended, do a study of west Lawton and east Lawton, and do what is best for the city.

PUBLIC HEARING CLOSED.

Ewing-Holmstrom asked the reason for this being proposed for annexation. Bigham said there was a slide about advantages to the city and these four square miles have been deannexed from rural water district area, so one of the main reasons for annexing this is to protect our water service area. Bigham said the land is within our development ridge line and that is the main reason, to protect our water service area.

MOVED by Bass, SECOND by Baxter, to adopt Ordinance No. 02-27 and declare an emergency.

(Title read aloud) Ordinance No. 02-27

An ordinance providing for the attachment of certain parcels of land into the City of Lawton, Comanche County, Oklahoma, classifying said territory as "Temporary" A-1 (General Agricultural District) zoning classification for a period not exceeding one (1) year, and declaring an emergency.

VOTE ON MOTION: AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Vincent said the west half of Section 17 which borders on SW 82nd Street is still within Cotton County Two Rural Water District; they did deannex the rest of it but they had two customers over there and they said we could work out our issues.

35. Hold a public hearing and consider an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to C-4 (Tourist Commercial District) zoning classification located at 924, 930, and 934 NW 38th Street. Exhibits: Ordinance No. 02-28; Location Map; Site Plan; Application; CPC Minutes.

Bigham said the rezoning was initiated by the City Planning Commission and involves a tract located along 38th Street and 40th Street. He said what caused this to be initiated was the CPC held a public hearing and recommended approval of a C-5 request immediately north of this; the old movie theatre is being renovated for a plumbing and electrical supply company which required C-5 zoning. The CPC discussed creating a non-conforming situation because C-3 zoning requires a minimum of ten acres, but to expedite getting a building permit for that business, they forwarded the recommendation with the idea that we would follow up with an administrative rezoning to put something other than C-3 zoning on this tract. The CPC recommends placing C-4 zoning on the tract; proper notice was provided to owners within 300 feet and published in the newspaper.

Baxter asked if this was where the Gardentown store is located and if they would be affected. Bigham said it is that location and they will not be affected. Bigham said he had spoken with the other two property owners along 38th Street and they concur with the rezoning.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Baxter, to adopt Ordinance No. 02-28.

(Title read aloud) Ordinance No. 02-28

An ordinance changing the zoning classification from the existing classification of C-3 (Planned Community Shopping Center District) to C-4 (Tourist Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Mayor Powell said a recess could be taken after Item 41, and asked that Item 38 be stricken.

36. Consider an ordinance amending Ordinance No. 43 to correct a scrivener's error in the legal description, providing for noncodification, providing for severability and declaring an emergency. Exhibits: Ordinance No. 02-29.

Vincent said a request was received from Goodyear to determine legal jurisdiction for police officers at the plant, and in reviewing the annexation ordinances for the area, we noticed a scrivener's error that did not make the words match the map or the intent. This ordinance corrects the scrivener's error to leave that portion of Goodyear that was meant to be outside the city and in conformance with the map.

MOVED by Hanna, SECOND by Haywood, to adopt Ordinance No. 02-29.

Ewing-Holmstrom asked if this was correcting an error. Vincent said he had talked with Goodyear officials and they are in favor of the ordinance. Shanklin asked if there was a map of it. Vincent said it was supposed to be a square with a donut hole and the city limits surrounding it, and the scrivener's error is in the legal description of that square that was supposed to be left out. Vincent said the map that was attached to the original ordinance did show the proper descriptions but the words did not match it. Shanklin asked if it is in or out of the city limits. Vincent said they would be out of the city limits.

(Title read aloud) Ordinance No. 02-29

An ordinance amending Ordinance No. 43 to correct a scrivener's error in a portion of the legal description; providing for noncodification; providing for severability; and declaring an emergency.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

37. Consider a request from the Comanche Tribe and provide direction on amending the Cooperative Agreement between the Comanche Tribe of Oklahoma and the City for the provision of fire protection, water and sanitary sewer services and authorize the Mayor and City Clerk to execute the same. Exhibits: Letter of Request; Current Agreement; Location Map; Correspondence regarding outstanding actions.

Vincent said we have been in touch with the Comanche Tribe and several trips have been made to Anadarko. He requested the item be tabled until August 13 to have time to work this out.

MOVED by Shanklin, SECOND by Hanna, to table this item until August 13. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

38. Consider the approval of an agreement for the sale of treated water outside of the city limits to Felton Dean for a development known as Wildwind Estates, Part 1, located at the northwest corner of SW 67th Street and Woodland Road. Exhibits: Letter of request with maps; Proposed agreement; LMAPC conditions. ITEM STRICKEN AS SHOWN ABOVE.

39. Consider an ordinance amending Sections 20-206 and 20-207 and Figure 1, Chapter 20, Lawton City Code, modifying the standards for street cuts and repairs. Exhibits: Ord. 02-30.

Bigham said the item has been before the Council twice and it was sent back to the Mayor's Task Force. He said the figure on the slide is the staff recommended version of the Task Force recommendation. Bigham suggested

corrections that "water-jetted" be used instead of "hydro-jetted". Devine said he discussed with Ihler that instead of having the full depth on the very top, that it should be changed and already has been to show a minimum depth of 5" but it was not changed in the agenda.

MOVED by Devine, SECOND by Hanna, to adopt Ordinance No. 02-30 as changed.

(Title read aloud) Ordinance No. 02-30

An ordinance pertaining to Streets, amending Sections 20-205 and 20-207, Article 2, and Figure 1, Chapter 20, Lawton City Code, 1995, modifying the standards for street cuts and repairs and providing for severability and an effective date.

VOTE ON MOTION: AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

40. Consider granting a 30-day extension to the reconstruction permits for: 425 S Sheridan Road; 2403 SW "A" Avenue, and 804-1/2 W Gore Boulevard. Exhibits: None.

Angie Alltizer, Neighborhood Services, said each owner obtained a permit within 15 days following the passage of the condemnation resolution. Significant progress has been made on each structure. She recommended approval of the 30-day extension of the permit so they may complete their work.

Shanklin asked where they are in meeting the requirements. Alltizer said the condemnation resolution specified the owners need to be at least 75% complete with those items identified as needing repair or making the structure habitable. Shanklin said they should be able to finish in 30 days. Alltizer said this is the first 30-day, the actual permit is for 90 days and Council has to give them permission for the 30-day extension and then the one that follows that. Shanklin said this was the first time Council had done this and asked if they get 30 more days from today. Alltizer said yes.

MOVED by Shanklin, SECOND by Haywood, to approve the extensions. AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

41. Receive a report on activities relating to utility easements, alleys and rights-of-way as the lack on maintenance impacts the public and private utility companies use of the property.

Alltizer distributed a hand out describing a program between Neighborhood Service and utility companies in the area to address problems with access to easements, many of which are obstructed by structures, debris and vegetation and cause hazards to the safety of employees who must access the easements to read meters and perform maintenance. She said the pilot program was introduced Friday night at the Ward 1 and 2 meeting with the idea being to try to gain voluntary compliance from residents in the target area, which will be 11th Street on the east, Sheridan Road on the west, and Cache Road to Ferris on the south, or basically the Field & Dunning area, which has many problems as far as access to utility easements.

Alltizer said Mr. Mitchell and Mr. Hanna spoke with about 20 citizens at the ward meeting, and they received a fairly good response. Attempts to improve public awareness will be made by telling new utility customers that they are responsible for maintenance of the easement, and it will be shown on the back of the water bills. Door knockers for maintenance of alleys and easements will be used. Maintenance activities will be coordinated, such as if AEP PSO does wind cutting in an area, maybe we can follow it with our sewer rehabilitation crews or Reliant ARKLA with their crews, and coordinate the activities and get the alleys and easements cleaned up.

Alltizer said the Reliant ARKLA meter readers will perform their first area survey in August to identify those properties that are in violation for tall grass and weeds, structures, etc. Courtesy notices will be sent to let citizens know they are required to maintain the easement. ARKLA meter readers will perform a second survey in September and determine violations again. 75% voluntary compliance is hoped for, which is similar to the compliance rate after notices are posted by Neighborhood Services. Alltizer said the administrative process will then be followed by Neighborhood Services for those who do not comply. In November 2002, ARKLA meter readers will survey to determine the effectiveness of the program. Shanklin said from 17th Street on is the Liberty Heights area, so it is more than Fields & Dunning.

Ewing-Holmstrom said the handout cover shows a little house in a gully and asked if it was still there. Alltizer said she believed it was still there and that they were working on it. Ewing-Holmstrom said the program sounded good and hoped it would be very successful.

Bass said PSO and ARKLA some times drive big trucks down the alleys, causing ruts, and making it difficult for citizens to mow. He asked who was responsible for fixing those ruts. Mayor Powell said they would address that.

Mitchell thanked the local utility companies, especially Reliant Energy, who offered to assist not only in the

partnership but also offered to do the inspections and send out the notices to the first round of property owners. Mayor Powell explained how the joint venture came about and expressed appreciation. Alltizer said the remainder of the hand-out shows the work load of Neighborhood Services for the past year.

The Mayor and Council recessed at 7:50 p.m. upon motion, second and roll call vote, and reconvened in regular, open session at 8:00 p.m. with roll call reflecting all members present.

42. Receive a status report on 707 W Gore Boulevard to determine what actions, if any are needed for the structure to be habitable. Exhibits: None.

Alltizer said this structure was involved in a fire in October 1999, it was condemned by Council in August, 2001. The property owner obtained a permit, got a 90 day extension, and the permit has now expired. Significant progress has been made on the structure but the inspection file shows several items that did not have a final inspection. She did not know if Dr. Floyd was present.

Shanklin asked the expiration date of the last permit. Alltizer said December 2001. Shanklin said it is now seven months later, and staff tells him that is as far as they can go and that is why it is on here; in other words, you do not ever have to complete anything if you get all your inspections done. He asked if that was right. Baker said yes, that was the information he was given, all of the items that needed to be corrected to bring it to code were corrected, the other items that are remaining do not require a building permit so the owner can finish those when he desires to do so. Shanklin asked Vincent if that was correct. Vincent said he would have to look that up. Shanklin said he hoped that would not be true, to leave that house in that position just ruins the task force trying to clean up Lawton because it does not have a porch, there is a rear accessory building that is not in compliance and if staff wants to say it is, that is fine, but it is a storage building in R-2 and that is not in compliance. Shanklin said the plumbing is on the outside and they never made them take that down. Shanklin said we just gave some people a 30-day extension and they would not have to go any further, in his opinion.

Mayor Powell suggested the City Attorney research this and find out what we have to do to correct an error if we cannot do anything about this.

MOVED by Shanklin, SECOND by Haywood, to table this until the City Attorney and Neighborhood Services, Angie Alltizer, get together and see what we can come up with. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

43. Consider developing a City Council policy limiting the number of years that a public service organization may receive funding through the Community Development Block Grant (CDBG) Program and provide direction to staff. Exhibits: None.

Hanna said some entities have been given large sums of money for many years and it does not seem they are looking for funds to be self-supporting. He said this causes funding to not be available for any other organizations or programs and suggested that after a certain period of time, the entities should be self-supporting or get funds elsewhere to let new people come on board. Hanna said some programs need to continue to receive support, but there has to be some slack somewhere to let others try to get their projects going to help the city. He said after two years, the state and federal governments terminate welfare benefits and there are some agencies that have been getting CDBG funds for 10-15 years, and they cannot make room for anything new. Hanna asked for discussion about setting a time limit.

Devine said he asked to be included in the item, and found that this is the sole funding source for some of the agencies so he could understand where some needed to remain. He said an amount of time they could stay on was needed for most of the organizations and they should look into it much closer because some programs just ride this as long as they possibly can and we should initiate them to get out and try to find other outside funding.

Mayor Powell said they could look at a waiting program or find a way to see if they are having success with the money they are given. He said some have incredible success and the need for what they are doing will be everlasting, so to say someone will be cut off after a few years, we need to look at that more.

Devine agreed and said some cannot get funding elsewhere, but some just ride it just because it is there to get, and you want to try to help those that are doing a good job. He said some of the programs pay a salary base almost as bad as the City's, and the money is not going to help the people, rather it is helping someone else that has the job, and we should look at that. Devine said if we can afford to pay someone \$60,000 or \$70,000 a year to run one of these programs, something is wrong some place because they have to volunteer something. Mayor Powell said that can be evaluated.

Ewing-Holmstrom asked if we have people to help these groups search for other funding and wean them off of this program. Tom Aplin, Community Development, said no, the efforts to obtain other funding sources would be up to the individual agencies. He said many of the agencies also receive funding from the United Way, apply for other

grants and have other sources of funding. Aplin said in some cases the funds provided by CDBG expand their capabilities to specifically address the low income sector of society.

Bass said it is the Council's choice as to where the money goes and you cannot really put a time limit on it but we just have to toughen up and study the issues and make the right decisions to make sure the money goes in the right places. He said he did not really think a time limit could work and a lot of people depend on that money.

Shanklin said Dr. Charles Baer is present from Lawton Christian Family Counseling and asked that he be allowed to speak. Mayor Powell said Dr. Baer sent letters previously and they did not need to be read.

Dr. Baer said the Council had come up with very good ideas as to what needs to be addressed, but it is best done on an individual basis and not on some arbitrary limitation that would affect everyone. He said they could look at sole funding, the effectiveness of the programs, the needs that are being met and see if people are addressing them, and if not, do not fund those agencies, but do not eliminate someone who is meeting a specific need due to an arbitrary deadline.

Dr. Baer said the flexibility of the community to be able to meet needs as they arise is very important. He said Taliaferro Center is the largest provider of mental health care to low income people and last month they essentially shut the doors except for a very small group of people who meet very rigid designations. He said they have been flooded with calls since then and have to turn people away who had been served at Taliaferro because they do not have the money to absorb those clients. Dr. Baer said he would like to be able to request more money now because the need has changed as opposed to being told your five years is up and we will no longer meet that need. He said some agency has to be able to help them. Dr. Baer said as you work to fine tune the procedures to best distribute these funds, you should do it in a way that allows you to better evaluate each organization, look at the issues, see if there is an objective demonstration of effectiveness, make those individual decisions and maintain flexibility.

Devine said we are not here to kick anyone out but we need to look at the programs. He said funds were changed around last year and some did not even get a chance to get a nickel. Devine said he voted against some and felt others should have had an opportunity to get money, and that it did not seem they were holding the agencies accountable on how they spend the money.

Mayor Powell said the discussion seemed to be to not put any ends out there but study it more in depth and make decisions accordingly. Moeller suggested the agencies make in-depth presentations at various Council meetings. Mayor Powell said staff can get information on what the group is doing and how they use the money, and forward it for Council review so the process may work better.

Hanna said the entities submit financial which are sometimes inadequate; he requested a total breakdown of expenses, who is getting funding, how much is for salaries, how much is for utilities and so forth. He said some agencies have multiple agencies in the agency and he would like to see them all.

44. Consider adopting a resolution amending fees for public euthanization, contract euthanization, dead animal pickup from residence, and dead animal pickup from animal hospital/clinic. Exhibits: Animal Welfare Revenue; Resolution No. 02-117.

Jerry Ihler, Public Works Director, said an item was brought to do away with services as a result of budget cuts; Council wanted to continue the services and directed staff to review the fees related to Animal Shelter operations for euthanizations, contract euthanizations for communities, pick up of dead animals from residences, and pick up of dead animals from veterinary clinics. Contracts were approved earlier for Cache, Apache, Grandfield and Geronimo. Staff recommendation is to change the fee for each dead animal picked up from a residence from \$5 to \$20 to cover the cost to pick up and dispose of the animal. For those 65 or older, that fee would remain at \$5. The fee to pick up dead animals from veterinarian clinics would be increased from \$15 to \$55. The fee for euthanization of animals would go from \$10 to \$30. To encourage adoption of pets for elderly people, there would be no cost for licensing for those over 65 years of age. An approximate revenue increase of \$23,000 to \$24,000 should result from these changes.

Bass said the livestock and other large animals shows \$10 and it will cost more than that to try to round up loose cattle. Ihler said staff would look at that fee.

MOVED by Shanklin. SECOND by Moeller, to approve Resolution No. 02-117. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-117

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending the fees for public euthanization, contract euthanization, pickup of dead animal from residence, and pickup of dead animals from animal hospital/clinic; and declaring an emergency.

45. Consider adopting a resolution approving modifications and revisions to the City's existing pay plan, modifying the personnel schedule of the FY 2002-2003 budget to re-instate a part-time senior clerical associate, a buyer and a kennel assistant, and declaring an effective date. Exhibits: Resolution No. 02-118.

Bass said the part-time clerk in the Prosecutor's office gets paid \$10,000 a year and gets paperwork ready for 25 trials three times a week, or 75 trials in one week, and they let her go. He said the position is important, it does not qualify for longevity or overtime, and it should be restored. Bass said a secretary from the City Attorney's office has to help out and may receive overtime to learn the other job, so if we can hire the lady back at \$10,000 a year to provide that service, he was all for it.

Moeller said there is an animal problem in Lawton and a need to keep the kennel assistant because there are a lot of animals to deal with. She said with the increased fees, funding is available to compensate the kennel assistant. Moeller said she received three contacts this week about stray dogs, two from parents whose children have paper routes early in the morning and both were concerned about their children getting bitten. She said no one is available after hours to pick up animals and that needs to be looked at in the future because people let their dogs out when they get home from work and it puts people in danger, as well as the animal. Moeller said if we keep the level of service, we need to have the staff and the funds are being raised for this position.

Haywood said everyone knew how he felt about the buyer. He said when he came on in 1998 there was a purchasing department under finance; the supervisor said two individuals cannot handle this work load. Haywood said the buyer works closely with each division, is knowledgeable and can save the City a lot of money since there is \$1 million worth of goods to buy this year, and this position should remain.

Baxter said he wished the three were not grouped together and his question was why there was not more discussion during the budget sessions. He said the kennel assistant has been addressed, they found a way to raise enough money to pay for that position and he would support that. Baxter said on the senior clerical assistant, at the current rate there will be 27,915 citations and that is less than last year, and if that position needs to be deleted to save money for the budget then so be it, the job is not as strenuous as it was last year. He said as far as the buyer is concerned, if the City Manager and former Finance Director thought we could get by with two buyers instead of three, a \$42,000 position, we should have made money for that position in the budget if we wanted to keep it.

Baxter said it is way past the budget time and whenever someone does not get their way, they want to come back and do something else.

Bass said everyone was asked to cut their budget so they chose to cut back on the part-time clerical assistant, instead of cutting a \$40,000 or \$50,000 position, they cut the \$10,000 one. He said the person does 75 trials a week and that is important.

Devine said everyone who lost their job was important as far as he was concerned. He said there was a \$3 million shortfall in the budget and cuts were made by recommendation of the City Manager and now we want to spend another \$68,000. Devine asked why we did not find that \$68,000 before and save these people the heart ache of being cut. He said he knew the response would be that you saved that much money on the contract with the police officers, and the police department even offered to not take a pay raise to get more employees, but that was not considered, now we are going to come up with \$68,000 more to put these people back on and he did not understand how we can be \$3 million short and all at once come up with \$68,000 to hire them back. He said if we do that, we should put everyone back who was taken off of the payroll. Devine said we have not settled this water rate study or how much money will be received, and the next thing will be a class action lawsuit because we may collect a little money and have to pay it all back if we lose the lawsuit.

Mayor Powell asked that comments stay with the agenda item. Devine said the comment is where will we come up with the money if this does not go through.

Ewing-Holmstrom said the item requires \$44,000 in additional funding and asked if funds were available. Baker said the answer to the question do we have the money is yes; when Council finally balanced the budget and increased revenues, the year end carry over that is projected for June 30, 2003 is higher than what we originally recommended. Shanklin asked the figures. Baker said it is in the \$600,000 range and we were originally looking at around \$500,000, so it appears you have the money but a lot of things have to happen; we made projections on revenue and carry over and you may very well not have the money but if those projections materialize, then you should have the money.

Haywood said the City Manager did not agenda this item but he asked each division to cut 10% of their budget so they cut positions and that was the reason this is here now. He said the Council knew about the short fall last year. He said he did not like to terminate anyone because times are hard, you cannot take away people's livelihood, these people need jobs and this may be the only job that they can ever get again.

Hanna asked how many people we have a buy out already on. He said we are going on the assumption if we have this or that next year but what if we do not have it and we go ahead and spend this money we don't have right now.

He said we cannot operate on "ifs".

Devine said he hated to see anyone lose their job, but in the motion he made to balance the budget was that if we had any money in excess that it would be set aside so we would have some surplus; we are not going to have surplus if we start spending it, and that was the whole purpose when he made the motion was that the extra money would be set aside so we would not be put in this same position next year. He said that should be in the minutes when he made the motion.

Shanklin said we found the money for the annexation and if you think that was free, you're wrong. He said he was not elected to come down here to create jobs.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 02-118. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: Devine, Baxter, Hanna. MOTION CARRIED.

(Title) Resolution No. 02-118

A resolution approving modifications and revisions to the City's existing pay plan, modifying the personnel schedule of the FY 02-03 budget, and declaring an effective date.

46. Consider approving recommendation for fees to be charged to the public for certain park pavilions with restrooms: Elmer Thomas East, Elmer Thomas West, Mattie Beal, 35th Division, Mocine, and Harmon Park and adopt resolution for implementation. Exhibits: Resolution No. 02-119.

MOVED by Shanklin, SECOND by Bass, to approve Resolution No. 02-119.

Devine offered a substitute motion to change it to say that all parks with pavilions will be charged the same rate. Kim Shahan, Parks & Recreation Director, said these pavilions are locked and have electricity and services; there are pavilions in Elmer Thomas Park that are just open structures so we are specifically talking about structures that are providing extra services.

Devine said the City spent several thousands of dollars building bathrooms in some parks in the south part of town. Haywood said Devine came from the south part of town but he is against everything in the south part of town. Haywood said that is the spray pool, it is locked, anyone can rent it and you are charged if you are in the spray pool. Shahan said there is no service charge for daily use at the spray pool which is open from 1 to 4 p.m. Shahan said during budget review they noticed several things in their department that could have revenue based services, so this is the first item being brought to provide a fee for these particular pavilions; there are other areas in the recreation department that need to be brought also to determine whether a fee needs to be assessed. Devine said he would withdraw his substitute motion but he was trying to say if we were going to do it for one, we needed to do it for all.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-119

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending the fees for recreation and providing an effective date.

47. Consider entering into contracts with: Ms. Barbara Miracle, Ms. Ermine Bishop, Ms. Lora V. Mervin-Dye, Ms. Marlene Latham, Mr. & Mrs. Dietmar Caudle, and Mr. John H. and Ms. Barbara R. Pipes for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None.

Bart Hadley, Fire Chief, said the item was discussed earlier in the meeting, and staff recommends not entering into these contracts due to lack of an adequate water supply.

MOVED by Shanklin, SECOND by Baxter, to not enter into the contracts. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

48. Consider discussing the continued employment of Bill Baker as City Manager and take any necessary action. Exhibits: None.

The following is inserted verbatim:

Baxter: I want to make a little speech. I had a big speech and I've shortened it down a little bit so I'll try to be nice. Try not to implicate too many people. Bill, at the last Council meeting I asked for your resignation. You said no. I believe the reason you said no is because, excuse me, you would stand to lose \$25,000 which is three months' severance pay and I can appreciate a man saying no to losing that amount of money. I appreciate that. I've been told that this is not the proper time to terminate you by more than one council member. A couple of council

members have asked that we had, that we would have had this discussion in executive session. They don't like being out here on the floor in front of the public to let them know what's going on. A lot of that public don't like what goes on behind that door and I don't either. I believe that the citizens want to know what's going on. Some council members have stated that they will not fire the City Manager for fear that John Vincent will be appointed to be the City Manager. Just a note, we do have an Assistant City Manager. My opinion is that the City Manager condones the thievery of city property and allows for exemption of deposits on water meters to certain city employees' families. Those same people have already skipped out in paying on past due water bills. I also believe the City Manager has broken the City Charter from pressure from some of the people up here at this table. With that, I'll make a motion that we terminate the contract for the City Manager.

Devine: I'll second.

Mayor: OK, is there...

Shanklin: I'll make a substitute motion that we not terminate the contract with the City Manager and I apologize to the taxpayers, the citizens of Lawton and Mr. Baker for being embarrassed over this ordeal and that's my motion that we not do it.

Haywood: I'll second that motion.

Mayor: Motion not to, a substitute motion not to and a second. Is there anyone that would like to speak to this in the audience? OK, yes, Mr. Baxter.

Baxter: I'd like to respond and ask Bob why he's embarrassed. Why are you embarrassed to do something out here on the floor in front of the public? Is it because you're one of the guys that's got the thumb on the City Manager?

Shanklin: There are just some things that you do that you have a little compassion for the individual and you don't have any.

Baxter: I did have compassion...

Mayor: Yeah, if we could...

Shanklin: And I'm sorry that I voted for you for Mayor Pro Tem.

Mayor: We do have a substitute motion on the floor. Please call the roll, and that is not, what it boils down is for Mr. Baker to continue his employment. Yes, if you want to come up, sir.

Leon: Mayor and Council, my name is Tom Leon. I live at 120 NE Fullerton. And I think that all of you ought to consider what you're doing right now. This is a bad time to send it out to the, we live in Lawton, America here to show somebody that you want to terminate them right in front of all of our citizens out here. If you want to do that then why don't you put him out here on the street and let all the citizens know and put him up on a pulpit and terminate him or something. I think it's bad. I think it's very bad, unprofessional to all of you. We elect you to do your job, do your job professional and be professionals. We didn't elect you to, you know, be a, like a circus up here. This is no circus, this is professional people down here. And I hate to see it every time you have a City Council meeting, you're either tearing down the Manager, tearing down the Mayor or something like that. That is not right. And I feel that you people need to sit up and listen and listen to the public out there. They're the ones that's talking. They're the ones that voted you in the position. That's all I have.

Mayor: Thank you, Mr. Leon. We do have a substitute motion that is, that action would be to continue Mr. Baker's employment. Call the roll please. Oh, I'm sorry, Mr. Baker.

Baker: Mayor and Council, before you vote, I just want to say that Mr. Baxter's accusations are totally out of line and I publicly deny those and I don't think they really deserve a response but I'm going to respond to the citizens. I have never done anything illegal. I don't condone thievery. And I resent you making those remarks, Mr. Baxter.

Mayor: Please call the roll on the substitute motion. (end verbatim transcript)

ROLL CALL: AYE: Haywood, Bass, Hanna, Ewing-Holmstrom, Shanklin, Mayor Powell. NAY: Baxter, Devine. ABSTAIN: Moeller. SUBSTITUTE MOTION CARRIED. (*Note: Moeller passed on initial roll call.)

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Steuber said the Chief of Staff of the Army has made a decision on the Basic Officer Leadership Course and it would bring officers from all branches to Fort Sill for initial entry training, and continue to train all of the field artillerymen. He said this is not the final decision, this is a decision that the Army will adopt the Basic Officer

Leadership Course as a way of doing business and there are now four prospective sites that it might occur at, but Fort Sill was in the top two. Col. Steuber said it is a great thing and should help with the longevity.

Col. Steuber said a lot had been said about Crusader and the future of the field artillery, and General Maples and the senior leadership at Fort Sill have worked extraordinarily hard to insure that the field artillery has a future in the United States Army. The recent legislation writes into law the fact that they will develop a future combat system which is part of the Army's objective force and that the first one will be a field artillery system so it is guaranteed to be the leader for the Army for the objective force to come. While it does not absolutely insure the future of production of that combat system in Elgin, the technological investigation that has gone forward for developing Crusader is the same sort of technological requirement for the future combat system, so chances are that not only Elgin will still be the production site but it may be the production site for not only the artillery brand of the combat system but for other brands as well. He said nothing is assured but it is very good news that things are alive and well.

Col. Steuber said Fort Sill held a Town Hall meeting recently and there are still some challenges at Fort Sill and they do not have the budget to run Fort Sill the way they would like and provide all of the services for the soldiers and family members and retirees, but they are getting there and working hard to maintain a good quality of life. He said they would continue to work in partnership with Lawton because we are all in this together; when Lawton and Fort Sill succeed, we all succeed.

Haywood reported the Douglas School reunion would be held this week. He thanked Lawton Public Schools and the City of Lawton for assisting with this event.

Shanklin said he thought a policy was needed for Council to see all contracts, probably in the middle of the year, that will be acted on to be improved or added to so they do not get into the situation we are in now with Goodyear and Fort Sill, and there are some others, but those are the most important.

Shanklin said regarding signs, he read a letter from an attorney that we were possibly showing favoritism for one candidate over another. He said there is nothing in the code saying we have to tell you there is a violation; people put out signs and we go get them. Shanklin said his signs had been picked up in the past, staff took them to 6th Street and when he finally found out, he went and got them, and if they pick them up the second time, you do not get them back. He said we were trying to be good stewards of the system so everyone would have a fair chance, and one put out signs a month too early.

Baxter said in response to the gentleman that came to the podium about the firing of the City Manager, he's correct, the people did elect him and he was up for re-election next year and thought the people would re-elect him because he was trying to do what the people want. He said they want to know what's going on, they want to know who's got their thumb on who. Baxter said in reference to Baker's comment that he deny, he will get the proof because he's got it and will release it to the press.

Devine and Haywood discussed differences of opinion.

Moeller asked that people not let their dogs out at night and to make sure they have plenty of water and shade during hot weather, and to not leave them in cars.

Bass said you cannot put out political signs until July 27 and he received many calls on that subject. He said people can pick up their signs if the City has taken them down and they should be told that.

Ewing-Holmstrom said the hedges at 11th and Gore have been trimmed nicely. She said the 77th Army Band put on a fantastic July 4th show, and it is another reason we are thankful Fort Sill is our neighbor.

Hanna said the Fort Sill Town Meeting was fantastic and he commended Col. Steuber's handling of it. He said he hoped the officers training materializes because they will receive good training and it will bring a lot of money into the community and help the economy. Hanna asked that residents mow their yards and easements because it will help keep down the ticks and mosquitoes.

Baker said letters were sent to Fort Sill, Republic and Goodyear with a copy of the Black & Veatch study and they were given 30 days to review the study and comment. He said all three asked for a meeting with Black & Veatch and he would like to set that meeting up but needed authorization to give them another 30 days to get their comments back. Baker said he wanted to make sure John Vincent is in town because he is our chief negotiator, and we need to set that meeting up during the week of August 12. Baker said if Council will authorize that extension, he can get the meeting set up. There was no objection.

Mitchell said a Council workshop was set for August 12 to consider a large number of dilapidated structures, as well as the multi-family vacancy issue.

Mayor Powell welcomed Dr. Cindy Ross as the new President at Cameron University and she will take office on August 1. He outlined accomplishments in the area as follows: 80 acres of veterans' care center, national cemetery, new Central Junior High School, Lowe's announcement, Home Depot announcement, Super Center Wal-Mart announcement, \$250 million plant expansion of Goodyear, \$10 million in new construction at Republic Paper, a new national army museum in the very near future, Hastings expanded their business in downtown Lawton, Centenary United Methodist Church expansion in downtown Lawton, Easton's Ace Hardware, Drs. Aycock & Snell, Dr. Brian Cain, Fort Sill Federal Credit Union expansion, Lawton Teachers Credit Union on the east and west sides, Drs. Smith and McGath, a \$40 million water treatment plant, Memorial Hospital expansion, Southwestern Hospital expansion, Assurant is way ahead of schedule as far as their employees are concerned and may have another announcement in the very near future. He said this is a great city with a lot of things happening and this is called economic development, and that he did not mention the buildings in the millions of dollars taking place at Fort Sill.

Mayor Powell thanked Alltizer for her work as far as the right of ways are concerned on the railroad tracks and it is better than it has ever been.

Mayor Powell said on August 6 at 6:30 p.m. will be the big birthday celebration by the Museum in the park so there will be more room. The oldest and youngest will be recognized, as well as those with the best beards, and the lady that is best dressed to depict a pioneer lady and anyone can participate, and they will receive a centennial coin. There will be free buffalo burgers, hot dogs and soft drinks. On September 11 at 9 a.m. at the Museum area, there will be a salute to our country and they are working with Fort Sill.

There being no further business to consider, the meeting adjourned at 9:05 p.m. upon motion, second and roll call vote.